



## II. ANALYSIS

The ADA provides for the payment of a prevailing plaintiff's attorney's fees and litigation expenses. *See* 42 U.S.C. § 12205. The Supreme Court has directed that “a prevailing plaintiff should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust.” *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983) (citation omitted). There are no such circumstances in the present case. “The most useful starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.” *Hensley*, 461 U.S. at 437. This two-step calculation, known as the “lodestar” amount, provides an “initial estimate of the value of a lawyer's services.” *Id.* “The district court ... should exclude from [the] initial fee calculation hours that were not ‘reasonably expended.’” *Id.* at 434. The Court must be guided by its discretion in making this determination because “[t]here is no precise rule or formula” for it to use. *Id.* at 436. “Where the party seeking the attorney fees has established that the number of hours and the rate claimed are reasonable, the lodestar is presumed to be the reasonable fee to which counsel is entitled.” *Imwalle v. Reliance Med. Prod., Inc.*, 515 F.3d 531, 552 (6th Cir. 2008) (citing *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 478 U.S. 546, 564 (1986)). “Accordingly, ‘modifications [to the lodestar] are proper only in certain ‘rare’ and ‘exceptional’ cases, supported by both ‘specific evidence’ on the record and detailed findings by the lower courts.’” *Adcock-Ladd v. Sec'y of Treasury*, 227 F.3d 343, 350 (6th Cir. 2000) (quoting *Delaware Valley*, 478 U.S. at 565).

Here, Plaintiff achieved excellent results in light of the facts and circumstances of this case. Plaintiff prevailed on his ADA claims and obtained a substantial damages award, including punitive damages. Plaintiff requests the lodestar amount in the amount of \$237,920. This amount is arrived at by multiplying the number of hours expended by Plaintiff's attorneys on this matter

(374.80 hours by Heather Collins) by her hourly rate (\$450 per hour) for a total of \$168,660.00; (128.2 hours by Anne Hunter) by her hourly rate (\$450 per hour) for a total of \$57,690.00; (13.7 hours by associate attorneys) at their hourly rates of \$300 and \$375 for a total of \$3,914.00; and (57.6 hours by paralegals and assistants) at their hourly rate of \$100 for a total of \$5,760.

The Court has reviewed the detailed time sheets provided by Plaintiff's counsel (Doc. No. 143-2) and the information they have submitted concerning the reasonableness of their hourly rates (Doc. Nos. 136-1, 136-2, 136-3, 136-4, 136-5, 143-1) and finds the amounts of time billed and hourly rates are reasonable, except for some time spent by paralegals on non-compensable clerical tasks such as printing documents, buying groceries, and calendaring. *See Adkins v. Comm'r of Soc. Sec.*, 393 F. Supp. 3d 713, 720 (N.D. Ohio 2019) ("Time spent, for example, calendaring matters, serving documents, and taking dictation is non-compensable clerical work."). Accordingly, the Court will exclude five hours by paralegals from the initial fee calculation for time spent on non-compensable clerical tasks. *See Fox v. Vice*, 563 U.S. 826, 838 (2011) ("The essential goal in shifting fees (to either party) is to do rough justice, not to achieve auditing perfection."). The Court, therefore, will award attorney's fees based on a lodestar amount of \$450 per hour for 503 hours for Ms. Collins' and Ms. Hunter's time, 13.7 hours at \$300/\$375 per hour for associate attorney time, and 52.6 hours at \$100 per hour for assistant and paralegal time, or a total of \$237,420.


The Court is unpersuaded by Defendant's attempts to shave additional hours off the total, such as hours expended on Plaintiff's unsuccessful motion for summary judgment. (*See* Doc. No. 140 at 5-6). "Those hours [expended on tasks in which the plaintiff was not successful], however, were just as much a part of counsel's representation in this case as the hours spent on tasks where he succeeded, such as the trial." *Hanson v. McBride*, 337 F.R.D. 139, 148 (M.D. Tenn. 2020) (citing *Deja Vu v. Metro. Gov't of Nashville & Davidson Cty., Tennessee*, 421 F.3d 417, 423 (6th

Cir. 2005) (“[W]e have repeatedly rejected mechanical reductions in fees based on the number of issues on which a plaintiff has prevailed.”)).

### **III. CONCLUSION**

For the foregoing reasons, Plaintiff’s Motion for Award of Attorney’s Fees (Doc. No. 135) will be granted, as modified herein. The Defendant will be ordered to pay Plaintiff’s attorney’s fees in the amount of \$237,420.

An appropriate order will enter.

  
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WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE